

REMARKS

This amendment is in response to the Official Action mailed to August 17, 2003. A petition for a three-month extension of the period for responding to this Official Action, to and including February 27, 2004, is submitted herewith. This amendment also is being submitted with a request for continued examination (RCE) of this application.

Claims 1-5, 7-22, 24-31, 47 and 63 are pending in this application. Claims 1, 31 and 47 are independent, and dependent claim 63 is new. Claims 6 and 23 have been canceled and claims 32-46 and 48-62 have been withdrawn. By this amendment, Applicants have amended claims 1-3, 31 and 47.

Independent claims 1, 31 and 47, and the claims dependent upon claim 1, namely, claims 2-5, 7-22 and 24-30, have been rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. The Examiner contends that these claims fail to particularly point out and distinctly claim the subject matter that Applicants regard as their invention because claims 1, 31 and 47 "require that the predetermined angular distribution satisfy requirements specified by aviation lighting regulations." (Official Action at 2.) Applicants have amended claims 1, 31 and 47 to cancel this limitation.

The Examiner has rejected claim 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,733,335 ("Serizawa"). Serizawa discloses a lamp for motor vehicles "employing light-emitting diodes providing a good illumination efficiency." (Abstract.) The device is intended "for vehicular lamps such as brake lamps, tail lamps, and so-called 'high-mount' stop lamp[s] installed on the outside (or inside) of the rear part of a vehicle." (Column 1, lines 19-22.) As further explained in Serizawa:

The lamp includes a plurality of light-emitting diodes arranged on a supporting board, condenser lenses provided in front of each of the light-emitting diodes, and diffusion lenses arranged in front of the condenser lenses. A housing member supports the supporting board, the condenser lenses, and the diffusion lenses, the housing member having air holes formed therein to provide for ventilation. With this arrangement, the light produced by the light-emitting diodes is applied in the form of parallel beams to the front lens member by the condenser lenses, and the parallel light beams are diffused by the diffusion lenses on the front lens member. Accordingly, the front surface of the front lens member is illuminated in its entirety and illuminated uniformly.

(Abstract, emphasis added.) Serizawa further states that "an object of the invention is to provide a vehicular lamp composed of a number of light-emitting diodes in which the entire surface of the front lens member is uniformly illuminated." (Column 2, lines 31-34, emphasis added.)

As amended, claim 31 recites an "optical unit for use with an array of LEDs in an external in flight aircraft warning light." A lamp intended for "brake lamps, tail lamps, and so-called 'high-mount' stop lamp[s] installed on the outside (or inside) of the rear part of a vehicle" is not "an external in flight aircraft warning light" and does not address the problems of such a warning light. Claim 31 further recites that the optical unit comprises "an optical structure adapted to collect the light emitted from the LEDs and propagate fractions of the collected light in accordance with a predetermined non-uniform angular distribution that varies in intensity over a range of angles." Since Serizawa provides a lamp "in which the entire

surface of the front lens member is uniformly illuminated" and states that such uniformity is an "object of the invention," Serizawa does not anticipate claim 31 and, in fact, teaches away from the invention of claim 31.

The Examiner rejected claim 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,528,474 ("Roney"). Roney also discloses a lamp for motor vehicles, namely, "truck trailers and/or tractors." (Abstract.) The lamp disclosed in Roney provides "substantially constant optical characteristics." (Column 4, lines 12-13.) As amended, claim 47 recites a "lamp unit for an external in flight aircraft warning light assembly." A lamp intended for "truck trailers and/or tractors" is not such a light assembly and does not address the problems of such a light assembly. Claim 47 further recites, like claim 31, that the optical unit has "an optical structure adapted to collect light emitted from the LEDs and propagate fractions of the collected light in accordance with a predetermined non-uniform angular distribution that varies in intensity over a range of angles." Since the structure for a lamp disclosed in Roney provides "substantially constant optical characteristics" Roney, like Serizawa, does not disclose this optical structure and, in fact, teaches away from this optical structure.

The Examiner rejected claim 1, 4, 5, 7, 8, 10, 12, 16, 24, 28 and 29 under 35 U.S.C. § 103(a) for being unpatentable over Serizawa in view of U.S. Patent No. 1,320,308 ("Balch"). Claim 1 recites an "external in flight aircraft warning light assembly." Claim 1 further recites that the warning light assembly comprises an optical unit that is adapted, like the optical units of claims 31 and 47, "to collect the light emitted from the LEDs and propagate fractions of the collected light in accordance with a predetermined non-uniform angular distribution that varies in intensity over a range of angles." For the

reasons discussed above, *Serizawa* teaches away from the invention of claim 1. *Balch* does not overcome any of the deficiencies of *Serizawa*. *Balch*, an old reference that issued in 1919, discloses an "aeroplane signal" for communicating between aircraft. The *Balch* aeroplane signal "is provided with a plurality of bull's eyes or windows so arranged that at lease (sic) one of them will be visible irrespective of the direction from the observer in which the vehicle may be located." (Column 1, lines 19-23.) The aeroplane signal includes "a series of distinguishing color disks or wafers" for transmitting light of different colors for communicating different signals. (Column 3, lines 47-48.)

Except for disclosing a lamp assembly mounted on the exterior of an aircraft, *Balch* discloses none of the elements of claim 1. Also, since the *Balch* lamp assembly is designed to transmit visible light "irrespective of the direction from the observer in which the vehicle may be located," *Balch*, like *Serizawa* and *Roney*, teaches away from an external in flight aircraft warning light assembly that "propagate[s] fractions of the collected light in accordance with a predetermined non-uniform angular distribution that varies in intensity over a range of angles." Since claims 4, 5, 7, 8, 10, 12, 16, 24, 28 and 29 depend upon claim 1, either directly or indirectly, the combination of *Serizawa* and *Balch* also does not disclose or suggest the invention of these dependent claims.

The Examiner rejected claims 1, 7, 9, 11 and 25-27 under 35 U.S.C. § 103(a) for being unpatentable over *Roney* in view of *Balch*. For the reasons discussed above, *Roney* teaches away from the invention of claim 1. Also, for the reasons discussed above, except for disclosing a lamp assembly mounted on the exterior of an aircraft, *Balch* discloses none of the elements of claim 1. Since claims 7, 9, 11 and 25-27 depend upon claim 1, either directly or indirectly, the combination of

*Roney* and *Balch* also does not disclose or suggest the invention of claims 7, 9, 11 and 25-27.

The Examiner also applied against dependent claims 2, 3, 13, 14, 15, 17, 18, 21, 22 and 30, in combination with either *Serizawa* and *Balch* or *Roney* and *Balch*, U.S. Patent No. 4,521,835 (*Meggs*), U.S. Patent No. 5,388,035 (*Bodem*), U.S. Patent No. 6,296,376 (*Kondo*), U.S. Patent No. 6,273,591 (*Albou*), U.S. Patent No. 6,386,743 (*Futami*), U.S. Patent No. 6,550,949 (*Bauer*), German Patent No. 4,128,995 (*Decker*) and British Patent No. 2,295,274 (*Bernard*). None of these references overcomes the deficiencies in the basic combination of *Serizawa* and *Balch* or *Roney* and *Balch* discussed above. Claims 2, 3, 13, 14, 15, 17, 18, 21, 22 and 30, therefore, are patentable over these references.

The Examiner only objected to claims 19 and 20 for being dependent upon a rejected base claim and stated that these claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Official Action at 12.) Applicants appreciate the Examiner's acknowledgment of the allowability of these claims. Claims 19 and 20, however, depend upon claim 1 through intervening claims. In view of the allowability of claim 1, claims 19 and 20 are allowable in their present form.

In view of the foregoing, Applicants respectfully request the timely issuance of a Notice of Allowance in this application. If for any reason the Examiner does not believe that such action can be taken at this time, however, she is respectfully requested to telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections that she may have.

If there are any additional charges in connection with this amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 24, 2004

Respectfully submitted,

By 

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